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DEPT PASS TO USAID FOR LAC/CAM KSIENKIEWICZ

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TAGS: [PGOV](#) [KCRM](#) [KDEM](#) [KJUS](#) [SOCI](#) [MCC](#) [GT](#)
SUBJECT: GUATEMALA PASSES FREEDOM OF INFORMATION ACT

REF: GUATEMALA 1017 AND PREVIOUS

¶1. Summary: After ten years of advocacy and three bills before Congress, the Guatemalan Congress unanimously passed the Free Access to Public Information Law on September 23. The law requires all public and private entities that receive public funds to respond to citizen requests for information on their operations and administration of resources. Civil society and Members of Congress applauded the measure as a positive step towards increasing transparency, strengthening democracy, and combating corruption. The Ambassador, AID and other Embassy officers lobbied members of Congress to pass this law, and USAID actively supported passage of the bill through its Transparency and Anti-Corruption Program. This law addresses a key Millennium Challenge benchmark. End Summary.

¶2. Since 1998, several Freedom of Information Act (FOIA) initiatives have been presented to Congress but have not received majority support. According to members of Congress, civil society, and media, previous proposals focused on declassification of military records which polarized positions in Congress and prevented approval. The approved bill is a merger of separate initiatives proposed by Congresswomen Nineth Montenegro (Encounter for Guatemala) and Rosa Maria de Frade (GANA) in February and March of this year. The law will become effective 180 days after it is published in the government's official newspaper, "Diario de Centro America."

¶3. The bill covers all branches of government and includes information such as internal budgets, procurement procedures, international travel expenses, and data on numbers of employees, salaries, and per diems. It exempts information pertaining to national security, information prejudicial to ongoing investigations and judicial proceedings, and classified military documents. The bill establishes sanctions of up to eight years imprisonment and fines of up to USD 13,333 for officials who obstruct public access to information. Civil society leaders and members of Congress publicly praised the new law and expressed optimism that it will lead to greater transparency and reduced corruption in the management of state resources.

¶4. The Ambassador, AID and other Embassy officers actively lobbied key legislative blocs to pass the law. USAID's Transparency and Anti-Corruption Program helped draft the bill and provided technical support to Congress through Citizen Action, the Guatemalan chapter of Transparency International.

¶5. Comment: Passage of the FOIA comes on the heels of the ongoing government scandal in which USD 11.2 million of congressional funds were illegally invested in a futures market and lost (reftel). This scandal put intense pressure on Congress to take positive steps on transparency. This timely law should strengthen government accountability during a time when the public is demanding that the government

reduce corruption and improve financial controls.
McFarland